

VOLUME 6 SURVEILLANCE**CHAPTER 2 PART 121, 135, AND 91 SUBPART K INSPECTIONS****Section 37 Improper Maintenance and Alterations**

6-1011 PURPOSE. This section provides aviation safety inspectors (ASI) (Maintenance and Avionics) guidance in determining appropriate action when investigating cases of improper maintenance/alteration.

A. Background. In July 2007, the Federal Aviation Administration (FAA) issued FAA Notice N 8900.12, Processing Reports of Suspected Unapproved Parts, thereby canceling FAA Order 8120.10A, Suspected Unapproved Parts Program. The notice was subsequently incorporated into FAA Order 8120.16, Processing Reports of Suspected Unapproved Parts, and became effective in July of 2008. The notice realigned the Suspected Unapproved Parts (SUP) Program Office's responsibilities within the Flight Standards Service (AFS) and Aircraft Certification Service (AIR). During the realignment and review of the SUP policy contained in Order 8120.10A, the FAA realized that we defined and categorized "improperly maintained" or "altered parts" as unapproved parts. The definition of "improperly maintained" as established in N 8900.85, Improper Maintenance and Alterations, on 8/6/09, is listed below for clarification.

B. Improperly Maintained or Altered. A part or component that has been returned to service by a certificated person without the work being completed in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 43 or an approved process/procedure acceptable to the Administrator.

6-1012 GUIDANCE. When ASIs conduct investigations of allegations of improper maintenance/alteration, the following guidance applies.

A. Approved Parts. Approved parts are parts produced under an approval according to the procedural requirements of 14 CFR part 21. Parts eligible for installation on type-certificated (TC) aircraft, but excepted from the FAA's approval requirements, are also considered "approved parts." FAA approval requirements are detailed in part 21, §§ 21.8 and 21.9. Improper maintenance/alteration of an approved part does not render the part unapproved, but can render the part ineligible for installation because the part was not maintained or altered in accordance with the provisions of part 43. Under this circumstance, an installer can no longer verify that installation of the improperly maintained/altered part in a TC'd product would return that product to a condition at least equal to its original or properly altered condition. Such a verification is a necessary condition in determining installation eligibility under part 43, § 43.13(b).

B. Approved for Return to Service. There is a difference between "approved," as understood in part 21, and the term "approved for return to service," as understood under part 43. The appropriate person may return approved parts to service if the parts are maintained/altered in accordance with the provisions of part 43. An approval for return to service is limited in scope and indicates only that the mechanic performed the work described in the maintenance record satisfactorily (refer to § 43.9(a)(4)). An approval for return to service may not indicate that the part is eligible for installation if it requires additional maintenance or alteration.

NOTE: The current edition of Advisory Circular (AC) 20-62, Eligibility, Quality, and Identification of Aeronautical Replacement Parts, provides additional guidance on the eligibility of parts for installation on an aircraft, and the current edition of FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products, addresses repairs accomplished on aircraft.

C. Investigation. Inspectors must thoroughly investigate cases alleging improper maintenance/alteration using the guidance provided in the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program. In addition, the investigating inspector must record these investigations in the Program Tracking and Reporting Subsystem (PTRS) using the appropriate activity codes.

D. Criminal Activity. If during an investigation involving allegations of improper maintenance/alteration the inspector suspects criminal activity, then the inspector should notify his or her office manager and the regional SUP Coordinator point of contact (POC) immediately. The regional POC will make initial contact with the appropriate Law Enforcement Agency (LEA) regarding evidence of criminal activity and will also work with Regional Counsel to coordinate initial investigation efforts as set forth in Order 2150.3.

NOTE: An inspector's role in any criminal investigation is limited to providing technical assistance, when requested and within the scope of normal job functions, after the LEA has secured the area.

6-1013 ACTION. If the investigation discloses evidence showing that one or more parts were approved for return to service without being maintained/altered in accordance with the provisions of part 43, the inspector will refer to the guidance provided in subparagraph 6-1012C or D above. For additional information on the surveillance decisionmaking process, see Volume 3, Chapter 60, Section 2.

RESERVED. Paragraphs 6-1014 through 6-1035.